



STATE OF ARIZONA

JANET NAPOLITANO
GOVERNOR

OFFICE OF THE GOVERNOR
1700 WEST WASHINGTON STREET, PHOENIX, AZ 85007

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July 2, 2007

The Honorable Timothy S. Bee
President
Arizona State Senate
1700 West Washington Street
Phoenix, Arizona 85007

Re: Senate Bill 1166: applicability; self-defense

Dear President Bee:

Today I vetoed Senate Bill 1166, a second legislative effort to apply retroactively the self-defense bill enacted last session.

While I appreciate the legislature's efforts to narrow this bill from Senate Bill 1302, which I vetoed earlier this year, Senate Bill 1166 continues to be problematic. Among other things, prosecutors believe that the proponents of this bill have underestimated the number of cases that would have to be re-tried under this bill. Any bill that would force the re-trial of a serious criminal and force the victims of the crime to again relive their experience must be viewed with great skepticism.

This bill also unfairly differentiates between defendants who entered into plea agreements and those who did not. Two similarly situated defendants could have taken identical action on the same date and one of them would be subject to criminal sanctions simply because they pled to an offense while the other is given a new trial to avail himself of the self-defense law. This result raises equal protection concerns.

Such disparities also illustrate why it is important that when the legislature intends for a bill to be applied retroactively, it make that intent evident at the time it passes legislation. Otherwise, disparities result that may be irreparable.

For these and other reasons, I have vetoed Senate Bill 1166.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Janet Napolitano", with a stylized flourish at the end.

Janet Napolitano
Governor

JN:TAN/jm

cc: The Honorable Jim Weiers
The Honorable Linda Gray

FAILED

Passed the House April 17, 20 07,

by the following vote: 27 Ayes,

31 Nays, 2 Not Voting

Speaker of the House

Norman L. Moore
Chief Clerk of the House

Passed the Senate February 21, 20 07,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

Timothy S. Bee
President of the Senate

Charmin Bullington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

S.B. 1166

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

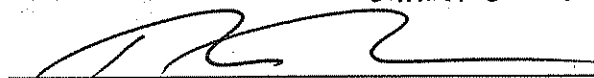
at o'clock M.

Secretary of State

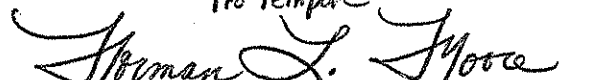
Passed the House April 23, 2007

by the following vote: 32 Ayes,

23 Nays, 5 Not Voting
WITHOUT EMERGENCY



Speaker of the House
Pro Tempore


Chief Clerk of the House

ON RECONSIDERATION
S.B. 1166

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate May 2, 20 07

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Timothy S Bee
President of the Senate

Charmion Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

20th day of June, 20 07

at 5:30 o'clock P. M.

Veninder Upbarra
Secretary to the Governor

Approved this _____ day of _____

at VETO o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20 _____

S.B. 1166

at _____ o'clock _____ M.

Secretary of State